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SENATE BILL 5049

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State of Washington

57th Legislature

2001 Regular Session

By Senators Kohl-Welles, Hargrove, Stevens, Zarelli, Costa and Long

Read first time 01/09/2001. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to conflicts of interest in the placement of  
2 children in out-of-home care; and adding new sections to chapter 74.13  
3 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.13 RCW  
6 to read as follows:

7 (1) No child may be placed or remain in out-of-home care under this  
8 chapter or chapter 13.34 RCW when there is a conflict of interest on  
9 the part of any adult residing in the home in which the child is to be  
10 or has been placed. A conflict of interest exists when:

11 (a) There is an adult in the home who, as a result of: (i) His or  
12 her employment; and (ii) an allegation of abuse or neglect of the  
13 child, conducts or has conducted an investigation of the allegation; or

14 (b) The child has been, is, or is likely to be a witness in any  
15 cause of action against any adult in the home when the cause includes:  
16 (i) An allegation of abuse or neglect against the child or any sibling  
17 of the child; or (ii) a claim of damages resulting from wrongful  
18 interference with the parent-child relationship of the child and his or  
19 her biological or adoptive parent.

1 (2) For purposes of this section, "investigation" means the  
2 exercise of professional judgment in the review of allegations of abuse  
3 or neglect by: (a) Law enforcement personnel; (b) persons employed by,  
4 or under contract with, the state; (c) persons licensed to practice law  
5 and their employees; and (d) mental health professionals as defined in  
6 chapter 71.05 RCW.

7 (3) The prohibition set forth in subsection (1) of this section may  
8 not be waived or deferred by the department under any circumstance or  
9 at the request of any person, regardless of who has made the request or  
10 the length of time of the requested placement.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.13 RCW  
12 to read as follows:

13 (1) When the secretary has reasonable cause to believe that an  
14 employee has violated the conflict of interest provisions in section 1  
15 of this act, notwithstanding any rule adopted under chapter 41.06 RCW,  
16 the secretary shall immediately suspend the employee.

17 (2) The secretary shall immediately institute proceedings to  
18 terminate the employment of any person who is found by the department,  
19 based upon a preponderance of the evidence, to have violated the  
20 conflict of interest provisions in section 1 of this act.

21 (3) When the secretary has reasonable cause to believe that the  
22 employee of a contractor has violated the conflict of interest  
23 provisions in section 1 of this act, the secretary shall require the  
24 employee of a contractor to be immediately removed from any employment  
25 position which would permit the employee to make or influence placement  
26 decisions.

27 (4) The secretary shall disqualify for employment with a contractor  
28 in any position which would permit the employee to make or influence  
29 placement decisions, any person who is found by the department, based  
30 upon a preponderance of evidence, to have violated the conflict of  
31 interest provisions of section 1 of this act.

32 (5) The secretary, when considering the renewal of a contract with  
33 a contractor who has taken action under subsection (3) or (4) of this  
34 section, shall require the contractor to demonstrate that there has  
35 been significant progress made in reducing the likelihood that the  
36 contractor's employees would violate the conflict of interest  
37 provisions in section 1 of this act. The secretary shall not renew a

1 contract unless he or she determines that significant progress has been  
2 made.

3 (6) For purposes of RCW 50.20.060, a person terminated under this  
4 section shall be considered discharged for misconduct.

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